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9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2009-30

13 KIMI RENEE BUONO  
14 5025 Gavilan Way, Unit 54  
Oceanside, CA 92057

**STATEMENT OF ISSUES**

15 Application No. 813507

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Statement of  
21 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.

23 2. On or about March 31, 2008, the Board of Registered Nursing,  
24 Department of Consumer Affairs received an application for an Application for Licensure by  
25 Examination from Kimi Renee Buono (Respondent). On or about March 26, 2008, Kimi Renee  
26 Buono certified under penalty of perjury to the truthfulness of all statements, answers, and  
27 representations in the application. The Board denied the application on May 12, 2008.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

5. Section 480 of the Code states:  
“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

“...  
“(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

“...”

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1                   6.       Section 2761 of the Code states:

2                   "The board may take disciplinary action against a certified or licensed nurse or  
3 deny an application for a certificate or license for any of the following:

4                   "(a) Unprofessional conduct, which includes, but is not limited to, the following:

5                   "(f) Conviction of a felony or of any offense substantially related to the  
6 qualifications, functions, and duties of a registered nurse, in which event the record of the  
7 conviction shall be conclusive evidence thereof.

8                   ". . . ."

9                   7.       Section 475 of the Code states:

10                  "(a) Notwithstanding any other provisions of this code, the provisions of this division  
11 shall govern the denial of licenses on the grounds of:

12                  ". . . .

13                  "(2) Conviction of a crime.

14                  ". . . ."

15                  8.       Section 477 of the Code states:

16                  As used in this division:

17                  "(a) "Board" includes "bureau," "commission," "committee," "department,"  
18 "division," "examining committee," "program," and "agency."

19                  "(b) "License" includes certificate, registration or other means to engage in a  
20 business or profession regulated by this code."

21                  9.       Section 480 of the Code states:

22                  "(a) A board may deny a license regulated by this code on the grounds that the  
23 applicant has one of the following:

24                  "(1) Been convicted of a crime. A conviction within the meaning of this section  
25 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action  
26 which a board is permitted to take following the establishment of a conviction may be taken  
27 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,

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1 or when an order granting probation is made suspending the imposition of sentence, irrespective  
2 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

3 "....

4 "(3) Done any act which if done by a licentiate of the business or profession in  
5 question, would be grounds for suspension or revocation of license.

6 "The board may deny a license pursuant to this subdivision only if the crime or act  
7 is substantially related to the qualifications, functions or duties of the business or profession for  
8 which application is made."

9 CAUSE FOR DENIAL OF APPLICATION

10 (Conviction of a Crime)  
11 (June 2006 - Driving Under the Influence of Alcohol and/or Drugs)

12 10. Respondent's application is subject to denial under Code sections  
13 2761/480 in that on or about June 1, 2006, in a criminal proceeding entitled *People v. Kimi*  
14 *Renee Buono* in San Diego County, North County Division, Case Number CN211908,  
15 Respondent was convicted on her plea of guilty of violating Vehicle Code section 23152(b)  
16 (Driving Under the Influence of Alcohol), a misdemeanor. The circumstances are as follows:

17 a. On or about April 20, 2006, Respondent was arrested for driving under the  
18 influence of alcohol. It was determined that Respondent had a blood alcohol level of .26%.

19 b. As a result of the above conviction, Respondent was placed on five years  
20 summary probation, ordered to serve 180 days in county jail, with sentence suspended, and was  
21 ordered to pay \$1,800 in fines, to perform 15 days of volunteer work, and complete a 9-month  
22 First Conviction Program.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application for licensure by examination for a registered nurse license of Kimi Renee Buono;
2. Taking such other and further action as deemed necessary and proper.

DATED: 8/12/08

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant